

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC JETSON LYONS,

Plaintiff,

v.

SUPERINTENDENT HARRY E.
WILSON, et al.,

Defendants.

Civil Action No. 07-214 Erie

ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on August 15, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation, dated July 1, 2008 [31], recommends that the Respondents' Motion to Dismiss Petition for Writ of Habeas Corpus [23] be denied. The parties were allowed ten (10) days from the date of service to file objections. To date, no objections have been filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 21st day of July, 2008;

IT IS HEREBY ORDERED that the Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus [23] be, and hereby is, DENIED.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on July 1, 2008 [31], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

Sean J. McLaughlin
United States District Judge

cm: All parties of record.
Chief U.S. Magistrate Judge Susan Paradise Baxter